IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15439 of 2004

Between:

1 Sri Durga Video Games, D.No. 6-20-58, 17/1, Arandelpet,

Guntur, Guntur District,
rep. by A. Sri Krishna Murthy.
2 Venkateswara Video Games, Shop No. 16,

Opp: Leela Mahal, Kothapet,
Guntur, Guntur District, rep. by S. Venkata Rama Chandra Rao.

..... PETITIONERS

AND

1 The Superintendent of Police, Guntur, Guntur District.
2 The Station House Officer, Arandalpet Police Station, Arandalpet,
Guntur, Guntur District.
3 The Station House Officer, Kothapet Police Station, Kothapet,
Guntur, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in he nature of writ of Mandamus declaring the action of the respondents in interfering with the petitioners electronic computerized TV Video game shops and for prosecuting them for not possessing the licenses to run the said video game shops under A.P. Gaming Act, as illegal, arbitrary unconstitutional.

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Home appearing for the respondents.

It is represented by the learned counsel for both the parties that the issue raised in this writ petition is squarely covered by the decision of this Court in W.P.No.16596 of 2003, which was disposed of with certain observations and directions.

Accordingly, following the order in W.P.No.16596 of 2003, the writ petition is disposed of with the following observations and directions:

> "1. The petitioners who are running the games centre for playing video games is not required to take out any licence under the A.P.Gaming Act;
>
> 2. It is not suggested that the licence is required under the Provisions of any other Act;
>
> 3. The Respondent-Police Officers have no power to interfere with the running of centres for playing video games on the electronic equipment on the ground that the petitioners do not possess the licence; and
>
> 4. If it is felt that the petitioners have contravened any of the provisions of the A.P.Gaming Act, it is open for the authorities to take action to prosecute the petitioners."

Writ petition is disposed of. No costs.

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30-08-2004

Note: Issue C.C in three days.

B/o.

vs

To

1 The Superintendent of Police, Guntur, Guntur District.
2 The Station House Officer, Arandalpet Police Station, Arandalpet, Guntur, Guntur District.
3 The Station House Officer, Kothapet Police Station, Kothapet, Guntur, Guntur District.

4 Two CCs to the G.P. for Home, High Court Buildings, Hyderabad(O.U.T).

5 Two CD copies.